

FILED

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2008 AUG 15 AM 11:01

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

6 Attorneys for Defendants DEL AMO HOSPITAL, INC., a California
Corporation, and UHS OF DELAWARE, INC., dba UNIVERSAL HEALTH
7 SERVICES OF DELAWARE, INC.

8
9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11
12 SEBASTAIN [SIC] JOHN ZIEGLER,
13 Plaintiff,

14 vs.

15 DEL AMO HOSPITAL, INC., a
California Corporation; UHS OF
16 DELAWARE, INC. WHICH WILL
TRANSACTION BUSINESS IN CALIF.
17 AS UNIVERSAL HEALTH SERVICES
OF DELAWARE, INC., a Delaware
18 Corporation, and DOES 1 through 100,
inclusive,

19 Defendants.
20
21

CASE NO. **CV08-05361**

(California Superior Court Case
No. YC057678; Assigned to Hon.
Ramona See, Dept. 69)

**NOTICE OF REMOVAL OF CIVIL
ACTION (FEDERAL QUESTION)**

[28 U.S.C. §§ 1331; 1441(a) and (b); and
1446(a) and (b)]

22 TO THE UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF
23 CALIFORNIA:

24 COMES NOW, defendants DEL AMO HOSPITAL, INC., a California
25 Corporation, and UHS OF DELAWARE, INC., dba UNIVERSAL HEALTH
26 SERVICES OF DELAWARE, INC., and respectfully petition this Court for removal of
27 the above-entitled action from the State of California for the County of Los Angeles, to
28 ///

1 the United States District Court, Central District of California, pursuant to 28 U.S.C.
2 §§ 1331, 1441(a) and (b), and 1446(a) and (b).

3 In support of such removal, these removing defendants allege that the following
4 facts were true as of the date of filing of this Notice of Removal.

5 1. On or about July 7, 2008, plaintiff SEBASTIAN JOHN ZIEGLER
6 commenced this action by filing a Complaint in the Superior Court of the State of
7 California, County of Los Angeles, Southwest District, Case No. YC057678, entitled,
8 "*SEBASTAIN [SIC] JOHN ZIEGLER, Plaintiff, vs. DEL AMO HOSPITAL, INC., a*
9 *California Corporation; UHS OF DELAWARE, INC. WHICH WILL TRANSACT*
10 *BUSINESS IN CALIF. AS UNIVERSAL HEALTH SERVICES OF DELAWARE, INC., a*
11 *Delaware Corporation, and DOES 1 through 100, inclusive, Defendants*" (hereinafter
12 referred to as "*the Ziegler litigation*"). A true, correct and genuine copy of plaintiff's
13 Summons and Complaint is attached hereto as Exhibit "A" and is incorporated herein
14 by reference.

15 2. Defendants DEL AMO HOSPITAL, INC., and UNIVERSAL HEALTH
16 SERVICES OF DELAWARE, INC. were personally served with the Summons and
17 Complaint in *the Ziegler litigation* via their designated agent for service of process, CT
18 Corporation, on July 16, 2008.

19 3. These removing defendants served and filed an Answer to plaintiff's
20 Complaint in *the Ziegler litigation* on August 14, 2008. A true, correct and genuine
21 copy of these removing defendants' Answer to plaintiff's Complaint is attached hereto
22 as Exhibit "B" and is incorporated herein by reference.

23 4. Among other things, plaintiff's complaint in *the Ziegler litigation* alleges
24 violation of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, et seq.,
25 and as such, is a civil action arising under the laws of the United States over which this
26 Federal District Court has original *federal question* subject matter jurisdiction, pursuant
27 to 28 USC § 1331. This action is therefore removable to this United States District
28 Court pursuant to 28 USC § 1441(a) (b) in that plaintiff's action seeks relief from these

1 removing defendants founded upon a claim or right arising under the laws of the United
2 States.

3 5. Removal is timely under 28 U.S.C. § 1446(b), inasmuch as this Notice of
4 Removal has been served and filed within 30 days of July 16, 2008 – the date on which
5 the summons and complaint in *the Ziegler litigation* was served upon statutory agent for
6 service of these removing defendants. No further proceedings have been had herein
7 and trial has not yet commenced.

8 6. Pursuant to 28 USC § 1446(d), these removing defendants have or will
9 provide a copy of the Notice of Removal and all papers associated therewith to all
10 parties and has filed a conformed copy of this Notice of Removal with the Clerk of the
11 Court, Los Angeles County, California.

12 7. No previous notices of removal have been filed herein. These removing
13 defendants have good and sufficient defenses to plaintiff's claims and denials, both
14 generally and specifically, the substantive allegations contained within plaintiff's
15 complaint.

16 8. Attached as Exhibit "C" is a copy of the Notice to Adverse Party of
17 Removal to the United States District Court, which is being served on the Superior
18 Court of California, County of Los Angeles.

19 9. By filing the instant Notice of Removal, these removing defendants do
20 not waive, and fully reserve, all defenses they may have, including but not limited to
21 defenses of lack of personal jurisdiction, lack of subject matter jurisdiction, and failure
22 to state a claim upon which relief may be granted.

23 10. Written notice of this Notice of Removal is being provided to plaintiff by
24 service of this document on plaintiff's counsel.

25 **WHEREFORE**, defendants DEL AMO HOSPITAL, INC., a California
26 Corporation, and UHS OF DELAWARE, INC., dba UNIVERSAL HEALTH
27 SERVICES OF DELAWARE, INC. pray this action be removed to the United States
28 District Court, Central District of California, and that it assume jurisdiction of this

1 cause and issue such further orders and processes as may be necessary to bring before it
2 all parties necessary.

3
4 DATED: August 15th, 2008

COTKIN & COLLINS
A PROFESSIONAL CORPORATION

5
6 By:

7 WILLIAM D. NAEVE
8 Attorneys for Defendants
9 DEL AMO HOSPITAL, INC., a California
10 Corporation, and UHS OF DELAWARE,
11 INC., dba UNIVERSAL HEALTH
12 SERVICES OF DELAWARE, INC.
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7-16-08
2:15 pm**SUMMONS**
(CITACION JUDICIAL)

SUM-100

FOR COURT USE ONLY
(SÓLO PARA USO DE LA CORTE)**CONFORMED COPY**OF ORIGINAL FILED
Los Angeles Superior Court

JUL 07 2008

John A. Clarke, Executive Officer/Clerk

By T. Rhodes, Deputy

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):DEL AMO HOSPITAL, INC., A California Corporation; UHS OF DELAWARE, INC. WHICH
WILL TRANSACT BUSINESS IN CALIF. AS UNIVERSAL HEALTH SERVICES OF
DELAWARE, INC., A Delaware Corporation, and DOES 1 through 100, inclusive,**YOU ARE BEING SUED BY PLAINTIFF:****(LO ESTA DEMANDANDO EL DEMANDANTE):**

SEBASTAIN JOHN ZIEGLER.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tine 30 DÍAS DE CALENDARIO después de que le entregan esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le de un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):Torrance Courthouse
825 Maple Avenue
Torrance, CA 90503Los Angeles Superior Court
Beach Cities Branch
117 West Torrance Blvd., Suite 100
Redondo Beach, Ca. 90277-3638CASE NUMBER
(Número del caso) 057678

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número del teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Mark D. Potter/ Russell C. Handy
Center for Disability Access, LLP100 E San Marcos Blvd #400
San Marcos, CA 92069

PHONE: (760) 480-4162

DATE: JUL 07 2008

(Fecha)

JOHN A. CLARKE

Clerk by
(Secretario)

T. RHODES

Deputy
(Adjunto)

(For Proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify):under ☒ CCP 416.10 (corporation)☐ CCP 416.20 (defunct corporation)☐ CCP 416.40 (association or partnership)☐ Other (specify):4. ☐ by personal delivery on (date):

Del Amo Hospital, Inc. A California Corporation

☐ CCP 416.60 (minor)☐ CCP 416.70 (conservatee)☐ CCP 416.90 (authorized person)

SUMMONS

Page 1 of 1

COPY

CT CORPORATION

A Wolters Kluwer Company

**Service of Process
Transmittal**

07/16/2008

CT Log Number 513643701



TO: Matthew Klein
Universal Health Services, Inc.
367 South Gulph Road
King of Prussia, PA 19406

RE: Process Served in California

FOR: Del Amo Hospital, Inc. (Domestic State: CA)

RECEIVED
JUL 17 2008
LEGAL DEPT.

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Sebastain John Ziegler, Plff. vs. Del Amo Hospital, Inc., etc., et al., Dfs.

DOCUMENT(S) SERVED: Summons, Complaint, Demand for Jury Trial, Cover Sheet, Cover Sheet Addendum, Order to Show Cause Hearing, Notice of Case Management Conference, Attachment(s), Stipulation Form.

COURT/AGENCY: Los Angeles County Superior Court, Redondo Beach, CA
Case # YC057678

NATURE OF ACTION: Violation of the American's with Disabilities Act - Failed to provide full and equal accommodations, advantages, facilities, privileges and/or service to the plaintiff

ON WHOM PROCESS WAS SERVED: C-T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE: By Process Server on 07/16/2008 at 14:45

APPEARANCE OR ANSWER DUE: Within 30 days after service - file written response // 12/12/2008 at 8:30 a.m. - Case Management Conference

ATTORNEY(S) / SENDER(S): Mark D. Potter
Center for Disability Access, LLP
101 E. San Marcos Blvd. #400
San Marcos, CA 92069
760-480-4162

ACTION ITEMS: SOP Papers with Transmittal via Fed Ex 2 Day - 791106199746
Email Notification, Caitlin Larkin caitlin.larkin@uhsinc.com
Email Notification, Matthew Klein matthew.klein@uhsinc.com

SIGNED: C-T Corporation System
PER: Nancy Flores
ADDRESS: 818 West Seventh Street
Los Angeles, CA 90017
TELEPHONE: 213-337-4615

Page 1 of 1 / MS

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

CONFORMED COPY

OF ORIGINAL FILED

Los Angeles Superior Court

JUL 07 2008

John A. Clarke, Executive Officer/Clerk

By T. Rhodes, Deputy

CENTER FOR DISABILITY ACCESS, LLP
MARK D. POTTER, ESQ., SBN 166317
RUSSELL C. HANDY, ESQ., SBN 195058
100 East San Marcos Blvd., Suite 400
San Marcos, CA 92069-2988
(760) 480-4162
Fax (760) 480-4170

Attorney for Plaintiff, SEBASTIAN JOHN ZIEGLER

CASE ASSIGNED FOR
ALL PURPOSES TO

Judge Ramona See

Dept. Div. 9

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

SEBASTIAN JOHN ZIEGLER,

Plaintiff,

v.

DEL AMO HOSPITAL, INC., A
California Corporation; UHS OF
DELAWARE, INC. WHICH WILL
TRANSACTION BUSINESS IN CALIF. AS
UNIVERSAL HEALTH SERVICES OF
DELAWARE, INC., A Delaware
Corporation, and DOES 1 through 100,
inclusive,

Defendants.

Case No.:

YC057678

COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF FOR
VIOLATIONS OF: AMERICAN'S
WITH DISABILITIES ACT; UNRUH
CIVIL RIGHTS ACT; CALIFORNIA
DISABLED PERSONS ACT;
NEGLIGENCE

DEMAND FOR JURY

Plaintiff SEBASTIAN JOHN ZIEGLER complains of Defendants DEL AMO
HOSPITAL, INC., A California Corporation; UHS OF DELAWARE, INC. WHICH
WILL TRANSACTION BUSINESS IN CALIF. AS UNIVERSAL HEALTH SERVICES
OF DELAWARE, INC., A Delaware Corporation, and DOES 1 through 100, inclusive,
(hereinafter referred to as "Defendants") and alleges as follows:

PARTIES:

1. Plaintiff is a California resident with physical disabilities. He suffers from
Becker's Muscular Dystrophy and neither stand nor walk. He requires a power

1 wheelchair for mobility.

2 2. Defendants are or were at the time of the incident the owners and operators
3 and/or lessors and lessees of the Hospital located at 23700 Camino Del Sol, Torrance,
4 California.

5 3. Plaintiff does not know the true names of Defendants, their business
6 capacities, their ownership connection to the property and business, or their relative
7 responsibilities in causing the access violations herein complained of, and alleges a
8 joint venture and common enterprise by all such Defendants. Plaintiff is informed and
9 believes that each of the Defendants herein, including DOES 1 through 100, inclusive,
10 is responsible in some capacity for the events herein alleged, or is a necessary party for
11 obtaining appropriate relief. Plaintiff will seek leave to amend when the true names,
12 capacities, connections, and responsibilities of the Defendants and DOES 1 through
13 100, inclusive, are ascertained

14 **FACTUAL ALLEGATIONS:**

15 4. The Plaintiff contacted the Hospital by telephone at least 10 times during the
16 month of November, 2007, including November 16, 2007, seeking admission to a 30-
17 day inpatient eating disorder/depression program.

18 5. The Hospital is a facility open to the public, a place of public accommodation,
19 and a business establishment.

20 6. Defendants refused to admit the Plaintiff because it did not have any patient
21 rooms that were accessible to wheelchair bound patients with disabilities. In fact, the
22 Defendants refused to even allow Plaintiff to view the facilities, stating that they were
23 inaccessible and that he should look elsewhere for a program.

24 7. Unfortunately, upon information and belief, the Hospital presented barriers to
25 persons in wheelchairs, violations of the Americans with Disabilities Act Accessibility
26 Guidelines ("ADAAG") and Title 24 of the California Code of Regulations, including,
27 but not limited to, there was a lack of any accessible patient bedrooms and toilet rooms.

28 8. Naturally, Plaintiff ZIEGLER was frustrated, angry and/or vexed as a result

1 of encountering unlawful conditions, violations of his civil rights, and the lack of safe,
 2 convenient and accessible facilities. Although these injuries are modest in scope and
 3 did not result in any loss of wages or economic damage or medical care or attention, the
 4 continued violation of the plaintiff's civil rights by these defendants and the highly
 5 unpleasant emotional distress caused by such unlawful treatment is attributable to the
 6 actions or inactions of the defendants and plaintiff seeks redress from these defendants
 7 for such injury.

8 9. Plaintiff would like to patronize the Defendants' Hospital and the programs it
 9 offers to the public, but because of Plaintiff's knowledge of the existence of the
 10 inaccessible conditions and policies, the Plaintiff is unable to use the Hospital on a "full
 11 and equal" basis until the Hospital is brought into compliance with the provisions of the
 12 Americans with Disabilities Act Accessibility Guidelines and state accessibility law as
 13 pled herein. Plaintiff has been and currently is being deterred from patronizing the
 14 Defendants' Hospital.

15 **I. FIRST CAUSE OF ACTION: VIOLATION OF THE AMERICANS WITH**
 16 **DISABILITIES ACT OF 1990 (On behalf of Plaintiff and Against All Defendants (42**
 17 **U.S.C. section 12101, et seq.)**

18 10. The defendants are persons who either own, operate, lease or lease to a place
 19 of public accommodation. As such, the Defendants are required to (1) ensure that all
 20 construction, alteration, or modification is barrier free and complies with the Americans
 21 with Disabilities Act Accessibility Guidelines ("ADAAG") and Title 24 of the
 22 California Code of Regulations (aka "California Building Code"); and/or (2) remove all
 23 existing barriers where such removal is "readily achievable." The Defendants have
 24 failed to meet these obligations. The existence of readily achievable removed barriers
 25 and barriers in violation of the ADAAG and/or California Building Code, including,
 26 but not limited to, there was a lack of any accessible patient bedrooms and toilet rooms,
 27 is unlawful and has resulted in the defendants' failure to provide full and equal
 28 accommodations, advantages, facilities, privileges and/or services to the plaintiff.

19 **II. SECOND CAUSE OF ACTION: VIOLATION OF THE UNRUH CIVIL**
 20 **RIGHTS ACT (On behalf of Plaintiff and Against All Defendants) (Cal Civ § 51-53)**

11. The defendants are persons who either own, operate, lease or lease to a place of public accommodation or business establishment. As such, the Defendants are required to (1) ensure that all construction, alteration, or modification is barrier free and complies with the Americans with Disabilities Act Accessibility Guidelines ("ADAAG") and Title 24 of the California Code of Regulations (aka "California Building Code"); and (2) remove all existing barriers where such removal is "readily achievable." The Defendants have failed to meet these obligations. The Defendants intended the physical and architectural condition of their property. The existence of readily achievable removed barriers and barriers in violation of the ADAAG and/or California Building Code, including, but not limited to, there was a lack of any accessible patient bedrooms and toilet rooms, is unlawful and has resulted in the defendants' failure to provide full and equal accommodations, advantages, facilities, privileges and/or services to the plaintiff.

12. The acts alleged above, which form the basis of the plaintiff's discrimination claim, are intentional acts.

III. THIRD CAUSE OF ACTION: VIOLATION OF THE CALIFORNIA DISABLED PERSONS ACT (On behalf of Plaintiff and Against All Defendants) (Cal Civ § 54.54.8)

13. The defendants are persons who either own, operate, lease or lease to a place of public accommodation or a facility open to the public. As such, the Defendants are required to (1) ensure that all construction, alteration, or modification is barrier free and complies with the Americans with Disabilities Act Accessibility Guidelines ("ADAAG") and Title 24 of the California Code of Regulations (aka "California Building Code"); and (2) remove all existing barriers where such removal is "readily achievable." The Defendants have failed to meet these obligations. The existence of readily achievable removed barriers and barriers in violation of the ADAAG and/or California Building Code, including, but not limited to, there was a lack of any accessible patient bedrooms and toilet rooms, is unlawful and has resulted in the

1 defendants' failure to provide full and equal accommodations, advantages, facilities,
2 privileges and/or services to the plaintiff.

3 **IV. FOURTH CAUSE OF ACTION: NEGLIGENCE (On behalf of Plaintiff and**
4 **Against All Defendants)**

5 14. The defendants had a general duty and a duty arising under the Americans
6 with Disabilities Act and the Unruh Civil Rights Act and California Disabled Persons
7 Act to provide safe, convenient, and accessible facilities to the plaintiff in the running
8 of their Hospital. Their breach of this duty, as alleged in the preceding paragraphs, has
9 caused injury and damage as alleged above.

10 **PRAYER:**

11 Wherefore, Plaintiff prays that this court award damages and provide relief as
12 follows:

13 1. For injunctive relief, compelling Defendants to comply with the Americans
14 with Disabilities Act and the Unruh Civil Rights Act. Note: the plaintiff is not
15 invoking section 55 of the California Civil Code and is not seeking injunctive relief
16 under that section.

17 2. Damages under the Unruh Civil Rights Act and/or the California Disabled
18 Persons Act. Note: A defendant cannot be held liable for damages under both the
19 Unruh Civil Rights Act and the California Disabled Persons Act and the plaintiff will
20 make an election at trial depending upon the evidence amassed.

21 3. Reasonable attorneys' fees, litigation expenses and costs of suit, pursuant to
22 42 U.S.C. § 12205; Cal. Civ. Code §§ 52 and 54.3 and Cal. Civ. Proc. § 1021.5.

23 Dated: July 1, 2008

CENTER FOR DISABILITY ACCESS, LLP

24 By: 

25 MARK D. POTTER
26 Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all claims for which a jury is permitted.

Dated: July 1, 2008

CENTER FOR DISABILITY ACCESS, LLP

By:


MARK D. POTTER
Attorneys for Plaintiff

1 WILLIAM D. NAEVE
2 COTKIN & COLLINS
3 A PROFESSIONAL CORPORATION
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9 *williamnaeve@cotkincollins.com*

10 Attorneys for Defendants DEL AMO HOSPITAL, INC., a California
11 Corporation, and UHS OF DELAWARE, INC., dba UNIVERSAL HEALTH
12 SERVICES OF DELAWARE, INC.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

SEBASTAIN [SIC] JOHN ZIEGLER,
Plaintiff,

vs.

DEL AMO HOSPITAL, INC., a
California Corporation; UHS OF
DELAWARE, INC. WHICH WILL
TRANSACTION BUSINESS IN CALIF.
AS UNIVERSAL HEALTH SERVICES
OF DELAWARE, INC., a Delaware
Corporation, and DOES 1 through 100,
inclusive,
Defendants.

Case No. YC057678
HON. Ramona See
DEPT. 69

**DEFENDANTS' ANSWER TO
PLAINTIFF'S COMPLAINT**

[*Cal. Code Civ. Proc.* § 431.30(d)]

Complaint Filed: 7-7-08
Trial Date: Not Set

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO ALL
PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

COMES NOW, defendants DEL AMO HOSPITAL, INC., a California
Corporation, and UHS OF DELAWARE, INC., dba UNIVERSAL HEALTH
SERVICES OF DELAWARE, INC., and in answering plaintiff's unverified complaint,

///

1 for themselves alone, and separating themselves from all other DOE defendants, admit,
2 deny, and allege as follows:

3 Pursuant to the provisions of *California Code of Civil Procedure* § 431.30(d),
4 these answering defendants deny, both generally and specifically, each and every
5 allegation contained within plaintiff's unverified complaint and each and every cause of
6 action contained within plaintiff's complaint and the whole thereof. These answering
7 defendants further specifically deny that plaintiff was damaged in the sum or sums
8 alleged, or to be alleged, or in any sums whatsoever, or at all, and further specifically
9 deny that plaintiff is entitled to the relief sought within his complaint or to any other
10 relief of whatever character, or at all.

11 12 AFFIRMATIVE DEFENSES

13
14 COMES NOW, defendants DEL AMO HOSPITAL, INC., a California
15 Corporation, and UHS OF DELAWARE, INC., dba UNIVERSAL HEALTH
16 SERVICES OF DELAWARE, INC., and respectfully submit the following affirmative
17 defenses to each and every cause of action contained within plaintiff's unverified
18 complaint.

19 FIRST AFFIRMATIVE DEFENSE

20
21 1. As and for a first, separate and distinct affirmative defense to each and
22 every purported cause of action contained within plaintiff's unverified complaint, these
23 answering defendants allege that plaintiff has failed to state facts sufficient to constitute
24 any cause of action against these answering defendants which therefore bars said
25 plaintiff from recovering the relief sought therein.

26 SECOND AFFIRMATIVE DEFENSE

27 2. As and for a second, separate and distinct affirmative defense to each and
28 every purported cause of action contained within plaintiff's unverified complaint, these

1 answering defendants allege that plaintiff is barred from recovering the relief sought
 2 within his complaint by virtue of the fact that these answering defendants are informed
 3 and believe that the physical structure and plant in which DEL AMO HOSPITAL is
 4 housed is a facility which was constructed and existing before January 26, 1993.
 5 42 USC § § 12182(b)(2)(A)(iv); 12183(a).

6 7 THIRD AFFIRMATIVE DEFENSE

8 3. As and for a third, separate and distinct affirmative defense to each and
 9 every purported cause of action contained within plaintiff's unverified complaint, these
 10 answering defendants allege that plaintiff is barred from recovering the relief sought
 11 within his complaint by virtue of the fact that these responding defendants are informed
 12 and believe that the relief sought by plaintiff is not readily achievable, cannot be easily
 13 accomplishable, and cannot be implemented without much difficulty and expense.
 14 42 USC § § 12181(9); 12182(b)(2)(A)(iv).

15 16 FOURTH AFFIRMATIVE DEFENSE

17 4. As and for a fourth, separate and distinct affirmative defense to each and
 18 every purported cause of action contained within plaintiff's unverified complaint, these
 19 answering defendants allege that plaintiff is barred from recovering the relief sought
 20 within his complaint by virtue of the fact that these responding defendants are informed
 21 and believe that alternative methods for providing its goods and services to the public
 22 are not readily achievable. 42 USC § § 12182(b)(2)(A)(v).

23 24 FIFTH AFFIRMATIVE DEFENSE

25 5. As and for a fifth, separate and distinct affirmative defense to each and
 26 every purported cause of action contained within plaintiff's unverified complaint, these
 27 answering defendants allege that plaintiff is barred from recovering the relief sought
 28 within his complaint by virtue of the fact that these responding defendants are informed

1 and believe that accommodating plaintiff's alleged illness and/or condition would
2 require modifications to DEL AMO HOSPITAL's areas of specialization. 56 Fed. Reg.
3 25565 (July 26, 1991), *Grubbs v. Medical Facilities of America* (D.C. Vir. 1995) 879
4 F. Supp. 588, 591, fn. 6.

5
6 **SIXTH AFFIRMATIVE DEFENSE**

7 6. As and for a sixth, separate and distinct affirmative defense to each and
8 every purported cause of action contained within plaintiff's unverified complaint, these
9 answering defendants allege that plaintiff is barred from recovering the relief sought
10 within his complaint by virtue of the fact that UHS OF DELAWARE, INC. does not
11 own DEL AMO HOSPITAL.

12
13 **SEVENTH AFFIRMATIVE DEFENSE**

14 7. As and for a seventh, separate and distinct affirmative defense to each and
15 every purported cause of action contained within plaintiff's unverified complaint, these
16 answering defendants allege that plaintiff has failed to mitigate his damages, if any,
17 which therefore bars said plaintiff from recovering the relief sought therein.

18
19 **EIGHTH AFFIRMATIVE DEFENSE**

20 8. As and for an eighth, separate and distinct affirmative defense to each and
21 every purported cause of action contained within plaintiff's unverified complaint, these
22 answering defendants allege that plaintiff is barred from recovering the relief sought
23 therein by reason of the doctrine of estoppel.

24
25 **NINTH AFFIRMATIVE DEFENSE**

26 9. As and for a ninth, separate and distinct affirmative defense to each and
27 every purported cause of action contained within plaintiff's unverified complaint, these

28 ///

1 answering defendants allege that plaintiff is barred from recovering the relief sought
2 therein by reason of the doctrine of waiver.

3
4 **TENTH AFFIRMATIVE DEFENSE**

5 10. As and for a tenth, separate and distinct affirmative defense to each and
6 every purported cause of action contained within plaintiff's unverified complaint, these
7 answering defendants allege that plaintiff is barred from recovering the relief sought
8 therein by reason of the doctrine of unclean hands.

9
10 **ELEVENTH AFFIRMATIVE DEFENSE**

11 11. As and for an eleventh, separate and distinct affirmative defense to each
12 and every purported cause of action contained within plaintiff's unverified complaint,
13 these answering defendants allege that plaintiff is barred from any recovery by the
14 doctrine of laches.

15
16 **TWELFTH AFFIRMATIVE DEFENSE**

17 12. As and for a twelfth, separate and distinct affirmative defense to each and
18 every purported cause of action contained within plaintiff's unverified complaint, these
19 answering defendants allege that plaintiff is barred from recovering the relief sought
20 therein inasmuch as the equities do not preponderate in his favor but, rather,
21 preponderate in favor of these answering defendants.

22
23 **THIRTEENTH AFFIRMATIVE DEFENSE**

24 13. As and for a thirteenth, separate and distinct affirmative defense to each
25 and every purported cause of action contained within plaintiff's unverified complaint,
26 these answering defendants allege that plaintiff is barred from recovering the relief
27 sought therein by reason of the doctrine of excuse.

28 ///

1 **FOURTEENTH AFFIRMATIVE DEFENSE**

2 14. As and for a fourteenth, separate and distinct affirmative defense to each
3 and every purported cause of action contained within plaintiff's unverified complaint,
4 these answering defendants allege that plaintiff is barred from recovering the relief
5 sought therein by reason of the doctrine of consent.
6

7 **FIFTEENTH AFFIRMATIVE DEFENSE**

8 15. As and for a fifteenth, separate and distinct affirmative defense to each
9 and every purported cause of action contained within plaintiff's unverified complaint,
10 these answering defendants allege that plaintiff is barred from recovering the relief
11 sought therein by reason of the common law doctrine of privilege and/or *California*
12 *Civil Code* § 47, et seq.
13

14 **SIXTEENTH AFFIRMATIVE DEFENSE**

15 16. As and for a sixteenth, separate and distinct affirmative defense to each
16 and every purported cause of action contained within plaintiff's unverified complaint,
17 these answering defendants allege that plaintiff is barred from recovering the relief
18 sought therein by reason of the doctrine of justification.
19

20 **SEVENTEENTH AFFIRMATIVE DEFENSE**

21 17. As and for a seventeenth, separate and distinct affirmative defense to each
22 and every purported cause of action contained within plaintiff's unverified complaint,
23 these answering defendants allege that plaintiff is barred from recovering the relief
24 sought within his complaint by the doctrine of preemption.
25

26 **EIGHTEENTH AFFIRMATIVE DEFENSE**

27 18. As and for an eighteenth, separate and distinct affirmative defense to each
28 and every purported cause of action contained within plaintiff's unverified complaint,

1 these answering defendants allege that plaintiff's action is barred by the statute of
2 limitations codified in *California Code of Civil Procedure* § 340(a).

3
4 **NINETEENTH AFFIRMATIVE DEFENSE**

5 19. As and for a nineteenth, separate and distinct affirmative defense to each
6 and every cause of action contained within plaintiff's unverified complaint, these
7 answering defendants allege that plaintiff is barred from recovering the relief sought
8 within his complaint by virtue of the fact plaintiff has suffered no damage.

9
10 **TWENTIETH AFFIRMATIVE DEFENSE**

11 20. As and for a twentieth, separate and distinct affirmative defense to each
12 and every purported cause of action contained within plaintiff's unverified complaint,
13 these answering defendants allege that plaintiff is barred from recovering the relief
14 sought therein by reason of the fact that at all times herein mentioned, the conduct of
15 these answering defendants was in all respects reasonable, without malice and
16 accomplished with good cause.

17
18 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

19 21. As and for a twenty-first, separate and distinct affirmative defense to each
20 and every purported cause of action contained within plaintiff's unverified complaint,
21 these answering defendants allege that plaintiff is barred from recovering the relief
22 sought therein by virtue of his failure to exhaust administrative remedies.

23
24 **WHEREFORE**, these answering defendants respectfully pray judgment be
25 taken against plaintiff, as follows:

26 1. That plaintiff take nothing by virtue of his unverified complaint on file
27 herein from these answering defendants;

28 ///

1 2. That plaintiff's unverified complaint be dismissed, with prejudice, as to
2 these answering defendants;

3 3. That these answering defendants be awarded its costs of suit including
4 reasonable attorneys' fees; and

5 4. For such other and further relief as the court may deem just and proper.

6
7 DATED: August 13th, 2008

COTKIN & COLLINS
A PROFESSIONAL CORPORATION

8
9 By:

10 WILLIAM D. NAEVE
11 Attorneys for Defendants
12 DEL AMO HOSPITAL, INC., a California
13 Corporation, and UHS OF DELAWARE,
14 INC., dba UNIVERSAL HEALTH
15 SERVICES OF DELAWARE, INC.
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1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I, DEBRA FIELDS, am employed in the aforesaid County, State of California;
4 I am over the age of 18 years and not a party to the within action; my business address is
200 West Santa Ana Boulevard, Suite 800, Santa Ana, CA 92701.

5 On August 14, 2008, I served the foregoing **DEFENDANTS' ANSWER TO**
6 **PLAINTIFF'S COMPLAINT** on the interested parties in this action by placing a true
copy thereof, enclosed in a sealed envelope, addressed as follows:

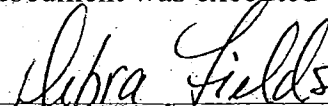
7 Mark D. Potter, Esq.
8 Russell C. Handy, Esq.
9 CENTER FOR DISABILITY
ACCESS, LLP
10 100 East San Marcos Blvd., Suite 400
San Marcos, CA 92069-2988

Counsel for Plaintiff
SEBASTIAN JOHN ZIEGLER

Tel: (760) 480-4162
Fax: (760) 480-4170

12	<input checked="" type="checkbox"/> BY FIRST CLASS MAIL: I placed such envelope for deposit in the U.S. Mail for service by the United States Postal Service, with first-class postage thereon fully prepaid. I am readily familiar with my employer's practice for the collection and processing of mail. Under that practice, envelopes would be deposited with the U.S. Postal Service that same day, with first class postage thereon fully prepaid, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing shown in this proof of service.
13	
14	BY FACSIMILE: I caused the document to be transmitted by a facsimile machine compliant with Rule 2003 of the California Rules of Court to the offices of the addressees at the telephone numbers shown on the service list.
15	
16	BY HAND DELIVERY: I caused such envelope to be delivered by hand to the offices of the addressees.
17	
18	BY FEDERAL EXPRESS: I am readily familiar with my employer's practice for the collection and processing of FedEx packages. Under that practice, packages would be deposited with FedEx that same day, with overnight delivery charges thereon fully prepaid, in the ordinary course of business.
19	
20	(Federal Courts Only) I declare that I am employed in the office of a member of the court at whose direction this service was made.
21	
22	

23 I declare under penalty of perjury under the laws of the State of California that
24 the foregoing is true and correct and that this document was executed on August 14,
2008, at Santa Ana, California.

25 
26 DEBRA FIELDS
27
28

1 WILLIAM D. NAEVE
2 COTKIN & COLLINS
3 A PROFESSIONAL CORPORATION
4 200 West Santa Ana Blvd., Suite 800
5 P.O. Box 22005
6 Santa Ana, CA 92702-2005
7 Telephone: (714) 835-2330
8 Facsimile: (714) 835-2209
9 *williamnaeve@cotkincollins.com*

10 Attorneys for Defendants DEL AMO HOSPITAL, INC., a California
11 Corporation, and UHS OF DELAWARE, INC., dba UNIVERSAL HEALTH
12 SERVICES OF DELAWARE, INC.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

12 SEBASTAIN [SIC] JOHN ZIEGLER,
13 Plaintiff,

14 vs.

15 DEL AMO HOSPITAL, INC., a
16 California Corporation; UHS OF
17 DELAWARE, INC. WHICH WILL
18 TRANSACT BUSINESS IN CALIF.
19 AS UNIVERSAL HEALTH SERVICES
20 OF DELAWARE, INC., a Delaware
21 Corporation, and DOES 1 through 100,
22 inclusive,
23 Defendants.

Case No. YC057678
HON. Ramona See
DEPT. 69

**NOTICE TO ADVERSE PARTY OF
REMOVAL TO THE UNITED
STATES DISTRICT COURT**

Complaint Filed: 7-7-08
Trial Date: Not Set

23 TO PLAINTIFF SEBASTIAN JOHN ZIEGLER, AND TO HIS COUNSEL
24 OF RECORD HEREIN MARK D. POTTER AND RUSSELL C. HANDY, AND
25 EACH OF THEM:

26 PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1446, defendants DEL
27 AMO HOSPITAL, INC., a California Corporation, and UHS OF DELAWARE, INC.,
28 dba UNIVERSAL HEALTH SERVICES OF DELAWARE, INC., filed a Notice of

NOTICE TO ADVERSE PARTY OF REMOVAL
TO THE UNITED STATES DISTRICT COURT

1 Removal of the above-entitled action in the United States District Court for the Central
2 District of California on August 15, 2008.

3 A copy of said Notice of Removal is attached to this Notice as Exhibit "A" and
4 incorporated herein by reference and is served and filed concurrently herewith.

5
6 DATED: August 15th, 2008

COTKIN & COLLINS
A PROFESSIONAL CORPORATION

7
8 By:

9 WILLIAM D. NAEVE
10 Attorneys for Defendants
11 DEL AMO HOSPITAL, INC., a California
12 Corporation, and UHS OF DELAWARE,
13 INC., dba UNIVERSAL HEALTH
14 SERVICES OF DELAWARE, INC.
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, DEBRA FIELDS, am employed in the aforesaid County, State of California; I am over the age of 18 years and not a party to the within action; my business address is 200 West Santa Ana Boulevard, Suite 800, Santa Ana, CA 92701.

On August 15, 2008, I served the foregoing **NOTICE TO ADVERSE PARTY OF REMOVAL TO THE UNITED STATES DISTRICT COURT** on the interested parties in this action by placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

Mark D. Potter, Esq.
 Russell C. Handy, Esq.
 CENTER FOR DISABILITY
 ACCESS, LLP
 100 East San Marcos Blvd., Suite 400
 San Marcos, CA 92069-2988

Counsel for Plaintiff
 SEBASTIAN JOHN ZIEGLER

Tel: (760) 480-4162
 Fax: (760) 480-4170

<input checked="" type="checkbox"/>	BY FIRST CLASS MAIL: I placed such envelope for deposit in the U.S. Mail for service by the United States Postal Service, with first-class postage thereon fully prepaid. I am readily familiar with my employer's practice for the collection and processing of mail. Under that practice, envelopes would be deposited with the U.S. Postal Service that same day, with first class postage thereon fully prepaid, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing shown in this proof of service.
<input type="checkbox"/>	BY FACSIMILE: I caused the document to be transmitted by a facsimile machine compliant with Rule 2003 of the California Rules of Court to the offices of the addressees at the telephone numbers shown on the service list.
<input type="checkbox"/>	BY HAND DELIVERY: I caused such envelope to be delivered by hand to the offices of the addressees.
<input type="checkbox"/>	BY FEDERAL EXPRESS: I am readily familiar with my employer's practice for the collection and processing of FedEx packages. Under that practice, packages would be deposited with FedEx that same day, with overnight delivery charges thereon fully prepaid, in the ordinary course of business.
<input type="checkbox"/>	(Federal Courts Only) I declare that I am employed in the office of a member of the court at whose direction this service was made.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this document was executed on August 15, 2008, at Santa Ana, California.


 DEBRA FIELDS

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I, DEBRA FIELDS, am employed in the aforesaid County, State of California;
4 I am over the age of 18 years and not a party to the within action; my business address
5 is 200 West Santa Ana Boulevard, Suite 800, Santa Ana, CA 92701.

6 On August 15, 2008, I served the foregoing **NOTICE OF REMOVAL OF
CIVIL ACTION (FEDERAL QUESTION)** on the interested parties in this action by
7 placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

8 Mark D. Potter, Esq. Counsel for Plaintiff
9 Russell C. Handy, Esq. SEBASTIAN JOHN ZIEGLER
10 CENTER FOR DISABILITY
ACCESS, LLP Tel: (760) 480-4162
11 100 East San Marcos Blvd., Suite 400 Fax: (760) 480-4170
San Marcos, CA 92069-2988

12	<input checked="" type="checkbox"/> BY FIRST CLASS MAIL: I placed such envelope for deposit in the U.S. Mail for service by the United States Postal Service, with first-class postage thereon fully prepaid. I am readily familiar with my employer's practice for the collection and processing of mail. Under that practice, envelopes would be deposited with the U.S. Postal Service that same day, with first class postage thereon fully prepaid, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing shown in this proof of service.
13	
14	<input type="checkbox"/> BY FACSIMILE: I caused the document to be transmitted by a facsimile machine compliant with Rule 2003 of the California Rules of Court to the offices of the addressees at the telephone numbers shown on the service list.
15	
16	<input type="checkbox"/> BY HAND DELIVERY: I caused such envelope to be delivered by hand to the offices of the addressees.
17	
18	<input type="checkbox"/> BY FEDERAL EXPRESS: I am readily familiar with my employer's practice for the collection and processing of FedEx packages. Under that practice, packages would be deposited with FedEx that same day, with overnight delivery charges thereon fully prepaid, in the ordinary course of business.
19	
20	<input checked="" type="checkbox"/> (Federal Courts Only) I declare that I am employed in the office of a member of the court at whose direction this service was made.
21	
22	

23 I declare under penalty of perjury under the laws of the State of California that
24 the foregoing is true and correct and that this document was executed on August 15,
25 2008, at Santa Ana, California.

26 
DEBRA FIELDS

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge George P. Schiavelli and the assigned discovery Magistrate Judge is Frederick F. Mumm.

The case number on all documents filed with the Court should read as follows:

CV08- 5361 GPS (FFMx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)

SEBASTAIN [SIC] JOHN ZIEGLER

DEFENDANTS

DEL AMO HOSPITAL, INC., et al.

(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases):

County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):

(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Mark D. Potter, Esq.
Center for Disability Access, LLP
100 East San Marcos Blvd.
Suite 400
San Marcos, CA 92069-2988
(760) 480-4170

Attorneys (If Known)

William D. Naeve, Esq.
Cotkin & Collins
200 West Santa Ana Boulevard
Suite 800
Santa Ana, CA 92701
(714) 835-2330

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only

(Place an X in one box for plaintiff and one for defendant.)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)**CLASS ACTION** under F.R.C.P. 23: ☐ Yes ☒ No**MONEY DEMANDED IN COMPLAINT:** \$ _____**VI. CAUSE OF ACTION**

(Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

42 USC section 12101, et seq.: Americans with Disabilities Act

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input checked="" type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litig. <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number: **CV08-05361**

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: List the California County, or State if other than California, in which EACH named plaintiff resides (Use an additional sheet if necessary)

☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.

Los Angeles County

List the California County, or State if other than California, in which EACH named defendant resides. (Use an additional sheet if necessary).

☐ Check here if the U.S. government, its agencies or employees is a named defendant.

(1) Los Angeles County: Del Amo Hospital Corporation

(2) Pennsylvania: UHS of Delaware, Inc

List the California County, or State if other than California, in which EACH claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

Los Angeles County

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Date 8-14-08

WILLIAM D. NAEVE

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM
 Authority for Civil Cover Sheet

The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) **PLAINTIFFS - DEFENDANTS.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a Government Agency use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official giving both name and title.
- (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: in land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) **Attorneys.** Enter firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section ("see attachment"). Refer to Local Rules 83-2.7 and 41-6 for further information regarding change of attorney name, address, firm association, phone number, fax number or e-mail address, and dismissal of action for failure of pro se plaintiff to keep Court apprised of current address.
- II. **JURISDICTION.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdiction be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States Plaintiff. (1) Jurisdiction is based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States Defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal Question. (3) This refers to suits under 28 U.S.C. 1331 where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, and act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code take precedence and box 1 or 2 should be marked.

Diversity of Citizenship. (4) This refers to suits under 28 U.S.C. 1332 where parties are citizens of different states. When box 4 is checked, the citizenship of the different parties must be checked. (See Section III below) (Federal question actions take precedence over diversity cases.)
- III. **RESIDENCE (CITIZENSHIP) OF PRINCIPAL PARTIES.** This section of the CV-71 (JS-44) is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **ORIGIN.** Place an "X" in one of the seven boxes:
 - (1) Original Proceedings. Cases which originate in the United States District Courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C. Section 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 U.S.C. Section 1404(a). DO NOT use this for within-district transfers or multidistrict litigation transfers. When this box is checked, DO NOT check (6) below.
 - (6) Multidistrict Litigation. Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, DO NOT check (5) above.
 - (7) Appeal to District Judge from Magistrate Judge Judgment. Check this box for an appeal from a magistrate judge's decision.
- V. **REQUESTED IN COMPLAINT.**

Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VI. **CAUSE OF ACTION.** Report the civil statute directly related to the cause of action and give a brief description of the cause of action. Do not cite jurisdictional statutes unless diversity.

Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service
- VII. **NATURE OF SUIT.** Place an "X" in the appropriate box. MARK ONE BOX ONLY. If the cause of action fits more than one nature of suit, select the one that best describes your cause of action.
- VIII(a) **IDENTICAL CASES.** Indicate if an identical action has previously been filed and dismissed, remanded or closed. Insert the docket number and judge's name, if applicable.
- VIII(b) **RELATED CASES.** This section of the CV-71 (JS-44) is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge's name for each case. Check all boxes that apply.
- IX. **VENUE.** This section of the CV-71 (JS-44) is used to identify the correct division in which the case will be filed. Please remember to indicate the residence of EACH plaintiff and defendant and the county or state in which each claim arose.

If the United States government or an agency thereof is a plaintiff or defendant, place an "X" in the appropriate box. Indicate the residence of other parties, if any.

In each category: for each party and claim, indicate the county, if in California. If other than California, you need only to list the state or country.
- X. **Attorney or party appearing pro per must sign and date this form.**